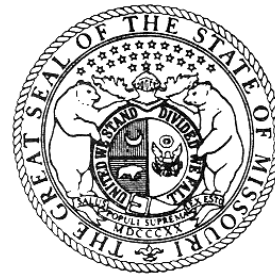


PRESS RELEASE

STATE SENATOR DAN CLEMENS – 20TH DISTRICT



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Missouri Senate

FOR IMMEDIATE RELEASE: April 29, 2004

Weekly Capitol Report

JEFFERSON CITY- In Missouri, the General Assembly has passed reasonable reforms only to see our efforts vetoed by Gov. Holden, a major benefactor of contributions from lawyers who profit directly from this system.

This year we again passed and sent to the governor's desk a tort reform bill that would bring simple, effective changes to protect citizens and businesses in our state. Once again, the governor has vetoed our efforts to protect small businesses and professionals in Missouri.

Our bill sought to end the practice of "venue shopping" in which plaintiffs are allowed to file cases in jurisdictions known for awarding the large settlements.

Among Holden's chief objections to the legislation was its new limits on where tort lawsuits can be filed.

Judicial proceedings should be based on a fair trial with an impartial jury. Venue shopping -- choosing a jury most likely to give a lavish settlement rather than a fair decision -- is a mockery of justice.

The legislation also seeks to limit joint and several liability. Rather than hold accountable those primarily responsible, this predatory practice allows full damages to be assessed against those found to have only a fraction of the total liability. In this case, the company that made the product, such as a car, could be held more liable than the person who misused it and caused the true damage. Compensation should be made on the basis of degree of negligence, rather than who has the deepest pockets.

Finally, the law seeks to restore jury award caps of \$250,000 per incident for non-economic damages. These are not limits on amounts awarded for actual losses. Instead, they are

caps on non-economic, punitive damages sought in addition to compensating for the actual loss suffered.

This is the second year in a row the governor has shut the door on Missouri employers, especially our medical professionals, for political gain. Businesses should be able to provide services and products without fear of being sued for the actions of individuals over whom they have no control.

There are those who oppose our tort reform legislation like the governor by saying they want to protect the victims. The fact is that this lie protects predatory attorneys and suspect legal practices while making victims of us all.

Another bill that we are hoping will be signed by the governor this year, despite his veto of it last year, is the small business regulatory bill. This measure would protect small businesses from unfair and unworkable regulations from state agencies.

Small businesses are the backbone of Missouri's economy. This year's bill once again protects businesses from the economic hardships that have been felt throughout Missouri. The only long-term fix to steadily improve our economy is business. This measure would serve as a liaison between state agencies and small businesses, and so protect small business interest and protect the people of Missouri.

With this bill, and tort reform, we have tried to send a clear and concise message to the governor, that the legislature is business friendly, and we are here to help businesses in Missouri, and through that effort all Missourians.

We have also had many complaints from local small businesses and constituents that workers' compensation rates are going up despite a promise that if the stock market and economy went up, rates would go down. This is due to the insolvency of the state's unemployment insurance fund.

Workers' comp rates rose 14.7 percent last year and 9.2 percent in 2002. The rates for the worker insurance also are too high, and it is time we advance a bill that promotes businesses. We have tried to decide how best to revise Missouri's workers' compensation laws to reduce employers' costs.

If the Governor fails to agree with the legislature on these topics, it's only a matter of time before we are going to have to watch these good-paying jobs of all types move out of Missouri.

As always, I appreciate your opinion on any legislative matter. If you have any questions or concerns to share, please call me at 1-866-242-0810, or email me at dan_clemens@senate.state.mo.us.

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